

ENROLLED ORDINANCE 158-114

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 9 AND THE N ½ OF SECTION 16, T6N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE R-1 RESIDENTIAL AND EC ENVIRONMENTAL CORRIDOR DISTRICT (SCZ-1499)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Genesee, Waukesha County, Wisconsin, are hereby amended to conditionally rezone lands located in part of the S ½ of Section 9 and the N ½ of Section 16, T6N, R18E, Town of Genesee, from the A-2 Rural Home District to the R-1 Residential and EC Environmental Corridor Districts, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (CZ-1499), subject to the following conditions:

1. Subject to the development being limited to a maximum of 11 single-family lots with onsite waste disposal systems and private wells.
2. Subject to documentation being submitted to the Town Planner and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff, that an Access Permit to S.T.H. 83 has been issued by the Wisconsin Department of Transportation.
3. Subject to the petitioner submitting to and receiving approval from the Town Attorney an agreement between the property owner to the south and Mr. and Mrs. Bazzetta regarding the entrance off of S.T.H. 83. Upon the Town Attorney's approval, if granted, said agreement shall be executed by Mr. and Mrs. Bazzetta and the property owner to the south prior to the zoning becoming effective.
4. Subject to the Waukesha County Department of Parks and Land Use, Land Resources Division, approving an Erosion and Stormwater Management Plan for the proposed use prior to any earth-altering activities on the site.
5. The petitioner shall submit and receive all necessary approvals for a Preliminary Plat and a Final Plat and shall satisfy all conditions of the same by the Town of Genesee and Waukesha County.
6. The petitioner shall submit and receive all necessary amendments to the Waukesha County Shoreland and Floodland Protection Ordinance by Waukesha County, if needed,

to develop the subject property in compliance with conceptual plans presented to the Plan Commission at the meeting of the July 28, 2003, and the presentation at the Town of Genesee Plan meeting of that date.

7. The petitioner and the property owner will accept the terms and conditions of this conditional rezoning approval in writing.
8. All Upland Primary Environmental Corridor will be placed in the EC Environmental Corridor District.
9. The map for the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance shall be amended to include all areas within 300 ft. of the navigable stream as determined by the Department of Natural Resources (DNR) on their October 8, 2003, correspondence as being in the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance and placed in the zoning district as noted on the attached map.
10. All information required to be submitted to the Town Attorney by conditions set forth by the Town Board in the approval of this rezoning must also be submitted to the Planning and Zoning Division Staff of the Waukesha County Department of Parks and Land Use.
11. Prior to approval of the Preliminary Plat, written documentation from the Town verifying that all the conditions of the Town Board approval have been met, must be submitted to the Planning and Zoning Division Staff of the Waukesha County Department of Parks and Land Use.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.